

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC DAVID SEALES,

Case No. 03-40336

Plaintiff,

v.

District Judge Paul V. Gadola
Magistrate Judge R. Steven Whalen

MACOMB COUNTY and FREDERICK
TRUE, JASON STABLEY, TED STABLEY,
ROBERT WHITEHEAD, JIM HILL and
RON GEKIERE, individually and in their
official capacity,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

For the reasons stated on the record on August 16, 2005, Plaintiff's motion to compel discovery [Docket #48] is GRANTED IN PART AND DENIED IN PART, as follows:

As to Requests to Produce (RTP) nos. 4,5,6,8,9, and 20, the motion to compel production of additional documents is DENIED, based on Defendant's representation that it has produced all requested documents in its possession, custody or control.

Specifically as to RTP no. 4 (written complaints or grievances by Youth Home residents alleging physical abuse), on March 22, 2005, the Court ordered the production of those documents in redacted form. For the reasons stated on the record on August 16,

2005, Defendant shall now provide unredacted copies of those documents to Plaintiff's counsel.

As to RTP no. 15, the motion is GRANTED only to the extent that Defendant shall produce copies of all employee evaluation forms for all employees named in the complaints or grievances referenced in RTP no. 4 and in the restraint chair records referenced in RTP no. 32.¹

As to RTP no.23, the request to compel is dismissed as moot, Defendant having represented that the files have been or will be produced. *See* fn. 1.

As to RTP no. 30, the motion is DENIED.

As to RTP no. 32: As with RTP no. 4, Defendant shall now produce all documentation of the use of the restraint chair in unredacted form.

At the hearing on August 16, 2005, Plaintiff orally amended his motion to include RTP no. 25, which requests production of the Macomb County Youth Home files on former residents Wavey Woods, Edward Starski and David Troy, the three individuals who were witnesses to the events giving rise to the criminal charges against the Plaintiff. The motion to produce these records is GRANTED.

All discovery ordered herein shall be produced within 14 days of the date of this Order.

¹Defense counsel represents that the personnel files, including evaluations, of the Defendants have already been produced. Counsel further states that the personnel and training files for Defendant Whitehead will be produced.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: August 17, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on August 17, 2005.

s/Gina Wilson
Case Manager